

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.806 OF 2005
IN
CHAMBER SUMMONS NO.1127 OF 2004
IN
SUIT NO.852 OF 1995

Avijit Chatterjee son of Late
Tarapada Chatterjee
vs.
Smt.Shanta Tolat

Appellant

Respondent

Mr.V.Y.Sanglikar for the appellant.

**CORAM : R.M. LODHA &
D.G. KARNIK, JJ.**

DATED : 14th November 2005

P.C.

Heard Mr.V.Y.Sanglikar, the learned counsel for the
appellant.

2. The impugned order does not call for any interference in appellate jurisdiction by us. By the impugned order, the learned Chamber Judge has ordered that the partition Suit No.852/1995 be tagged along with Testamentary Suit No.67/1997 as both Suits raise identical issues and shall be heard together. There is nothing wrong in it. If the learned Chamber Judge ordered expeditious hearing of both the Suits, the present Appellant, who is the plaintiff in Suit No.852/1995, cannot have any grievance.

3. The appeal does not deserve to be entertained and is dismissed in limine.

4. It is clarified that the fact that Suit No.852/1995 has been tagged with Testamentary Suit No.67/1997 does not take away the right of the appellant, who is defendant in Testamentary Suit No.67/1997 to press for dismissal of that Suit on the grounds available to them.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)